

**OPINION
48-129**

August 21, 1948 (OPINION)

MARRIAGE

RE: Indians

Your letter of August 18 has been received by this office and referred to my desk.

The question which you ask is one of some difficulty. If Indians request a marriage license from a county judge, they must comply with all of the statutory requirements for such license. The difficulty arises from the fact that Indians living on a reservation, having tribal relations one with another, may contract marriages which would be valid under the state law, simply by complying with their own tribal regulations. For instance, an Indian couple living on a reservation might request the county judge of the county wherein they reside to issue a license. Before he could issue a license, they would have to comply with the law requiring serological tests for syphilis and all the other prerequisites to the issuance of a license, and especially, if they apply for a license off the reservation, they would likewise have to comply with all laws relating to issuance of marriage licenses. We see no way of compelling Indians who desire to be married under tribal custom to comply with these laws.

P.O. SATHRE

Attorney General